
By: **Senators Ruben and Forehand**
Introduced and read first time: February 6, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Fund - Extension of Time to File Claim**

3 FOR the purpose of altering the time for filing a claim for criminal injuries
4 compensation with the Board of Criminal Injuries Compensation under certain
5 circumstances; altering the time for filing a claim with the Board in a case of
6 child abuse; and generally relating to compensation for criminal injuries.

7 BY repealing and reenacting, without amendments,
8 Article - Criminal Procedure
9 Section 11-801(a), (b), and (c) and 11-810(a)
10 Annotated Code of Maryland
11 (2001 Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Procedure
14 Section 11-809(a)
15 Annotated Code of Maryland
16 (2001 Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Procedure**

20 11-801.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) "Board" means the Criminal Injuries Compensation Board.

23 (c) "Claimant" means the person filing a claim under this subtitle.

24 11-809.

25 (a) (1) A claimant shall file a claim not later than:

1 (i) 180 days after the occurrence of the crime or delinquent act on
2 which the claim is based; or

3 (ii) 180 days after the death of the victim.

4 (2) For good cause, the Board may extend the time for filing up to [2] 3
5 years after the occurrence of the crime or delinquent act or the death of the victim.

6 (3) In a case of child abuse, a claimant may file a claim up to [2] 4 years
7 after the claimant knew or should have known of the child abuse.

8 11-810.

9 (a) (1) The Board may make an award only if the Board finds that:

10 (i) a crime or delinquent act was committed;

11 (ii) the crime or delinquent act directly resulted in:

12 1. physical injury to or death of the victim; or

13 2. psychological injury to the victim that necessitated mental
14 health counseling;

15 (iii) police, other law enforcement, or judicial records show that the
16 crime or delinquent act or the discovery of child abuse was reported to the proper
17 authorities within 48 hours after the occurrence of the crime or delinquent act or the
18 discovery of the child abuse; and

19 (iv) the victim has cooperated fully with all law enforcement units.

20 (2) For good cause, the Board may waive the requirements of paragraph
21 (1)(iii) and (iv) of this subsection.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2004.